

Catherine D. Ludlum
46 St. James Street, Unit 16
Manchester, CT 06040-5982

860-649-7110
cathyludlum@cox.net

Judiciary Committee
Testimony Regarding the Nomination of Andrew McDonald
as Chief Justice of the Connecticut Supreme Court
February 26, 2018

Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas, and members of the Committee:

My name is Cathy Ludlum, and I am here to testify against the appointment of Andrew McDonald as Chief Justice of the Connecticut Supreme Court. I have issues with his record on civil rights as related to disability, as well as how he has treated people he disagreed with.

As an employer of personal assistants, I have a unique bond with the people who support me to have an independent and productive life. When word came that personal assistants were to be unionized through an executive order from the Governor, every one of my employees was upset. I also thought that unionization would be harmful to them and to our relationship, but I did not stir them up. We stirred each other up. And then we banded together to fight against this tidal wave.

Everyone can get behind the objectives of better wages and working conditions for assistants, but people have different ideas about the best way to accomplish that. That's fine. I felt then, and I feel now, that there were good people on both sides of the issue.

Andrew McDonald (who at that time was not yet a judge) did not feel that way. When I sued the Governor on behalf of employers and personal assistants who did not want the union, Andrew McDonald did not give me the benefit of the doubt. He did not try to understand my perspective as someone who needs help with the most intimate details of my daily life. He did not care that unlike other employment situations, where management and workers have different interests that often come into conflict, personal assistants and employers are on the same team. Either *we all win* or *we all lose*.

Instead, he fell into partisan name-calling, casting all of us involved in the lawsuit as part of "the radical right,"¹ a characterization that would be laughable if it was not so hurtful.

But my concerns don't stop there. I have been fighting against assisted suicide for a long time, and many of you know me because of that. What may look to the typical person like the right to decide when and how their lives will end, looks to disabled people like a tsunami coming to take us away. Once again, there are good people on both sides of this issue, and we need to have respectful discussions that lead to a greater understanding.

Justice McDonald already has strong opinions on this subject. As far back as 2009, then-Sen. McDonald sponsored an assisted suicide bill. It did not go anywhere, but legislation continues to be

Over, please

introduced with supposed safeguards to restrict the legal prescription to a target group: terminally ill, mentally competent patients with less than six months to live.

These safeguards can go awry in a number of ways, especially for those of us who already have complex medical conditions. A wrong diagnosis, a wrong prognosis, and subtle pressure to reduce the strain on caregivers and save the state money can have tragic and permanent results. Add to that the societal bias against disability, and it becomes apparent that suicide prevention will be provided to some and suicide assistance will be provided to others.

In *Blick v. Division of Criminal Justice*, Judge Julia Aurigemma ruled that the appropriate place to debate assisted suicide is in the state legislature.² She understood both the complexity involved in designing an assisted suicide program and its potential harm to vulnerable populations.

Unfortunately, once such legislation is passed, there is no way to keep the narrow focus. Different constituencies will seek to avail themselves of this “medical treatment.” People who cannot self administer the drugs, whose life expectancy may be longer than six months, or who may have lost mental competence by the time they want their decision to be exercised will bring their pleas to the court system and they will arrive at the desk of a judge. Will the decision of the legislators stand, or will assisted suicide be expanded to ever widening groups?

We have seen in *State v. Santiago*³ that Justice McDonald has no qualms about going beyond the legislature’s intent. Please read Stephen Mendelsohn’s testimony, as he can explain the correlation better than I can. It is clear, however, that when assisted suicide goes before the courts, it makes a huge difference who the judge is and his or her willingness to push the envelope.

Knowing that Justice McDonald already supports assisted suicide, and that he has demonstrated a lack of respect for people he disagrees with, I felt compelled to come here and say no to his appointment.

Please protect the civil rights of people with disabilities. Ask Gov. Malloy to select another nominee for Chief Justice of the Connecticut Supreme Court.

Thank you.

Sources:

¹ Judge Questions Whether Legislation Makes Executive Orders Moot; CT News Junkie, June 29, 2012;
http://www.ctnewsjunkie.com/archives/entry/judge_questions_whether_legislation_makes_executive_orders_moot/

² *Blick v. Division of Criminal Justice*, Memorandum of Decision on Motion to Dismiss; page 18;
<http://notdeadyet.org/wp-content/uploads/2012/07/Blick-Decision-on-Motion-to-Dismiss.pdf>

³ *State v. Santiago*, <https://cga.ct.gov/2015/JUDdata/Tmy/2015HB-07015-R000318-Mendelsohn,%20Stephen-TMY.PDF>